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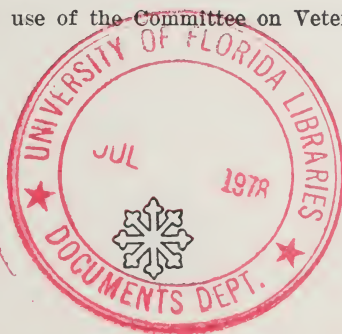
DISPOSITION OF CEMETERIES IN THE PANAMA CANAL ZONE WHERE AMERICAN VETERANS ARE BURIED

HEARINGS BEFORE THE SUBCOMMITTEE ON CEMETERIES AND BURIAL BENEFITS OF THE COMMITTEE ON VETERANS' AFFAIRS HOUSE OF REPRESENTATIVES NINETY-FIFTH CONGRESS SECOND SESSION

EFFECT OF PROPOSED PANAMA CANAL TREATY ON
AMERICANS BURIED IN THE PANAMA CANAL ZONE

MARCH 1, 1978

Printed for the use of the Committee on Veterans' Affairs



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HEARINGS TO RECEIVE TESTIMONY ON DISPOSITION OF TWO CEMETERIES IN THE PANAMA CANAL ZONE WHERE AMERICANS ARE BURIED

WEDNESDAY, MARCH 1, 1978

SUBCOMMITTEE ON CEMETERIES AND BURIAL BENEFITS,
COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF
REPRESENTATIVES

Washington, D.C.

The subcommittee met, pursuant to notice at 10 a.m., in Room 340, Cannon House Office Building, Hon. Charles J. Carney, chairman of the subcommittee, presiding.

Mr. CARNEY. The subcommittee will be in order.

This morning we begin hearings on the disposition of two cemeteries in the Panama Canal Zone where American veterans are buried.

While the Senate debates the merits of the proposed treaty, there remain some unanswered questions about Corozal Cemetery on the Pacific side of the zone and Mount Hope Cemetery on the Atlantic side. These two cemeteries are under the jurisdiction of the Panama Canal Company and were first established for the burial of company employees.

The company is a corporate agency of the U.S. Government, operated by a Board of Governors appointed by the Secretary of the Army. Management of the cemeteries is by a staff similar in status to career Civil service personnel and includes U.S. military officers.

Mount Hope Cemetery contains the graves of 1,332 Americans, 175 of them veterans. It also contains the graves of 36,878 non-Americans who were involved in some way with the construction or operation of the canal.

The Corozal Cemetery contains the graves of 741 veterans. In both cemeteries, veterans' graves are scattered throughout, not contained in a restricted area for veterans only. From information supplied us by the president, Harold R. Parfitt, it appears that nearly every State in the Union is represented by these gravesites.

I would like to enter into the record the State-by-State breakdown of interred veterans provided us by the Panama Canal Company. This partial information will be supplemented by the full count when it is complete. I would like to thank the company for its efforts to provide us this information on such short notice.

[Information follows:]

PANAMA CANAL COMPANY,
OFFICE OF THE PRESIDENT,
Balboa Heights, Canal Zone, February 24, 1978.

HON. RAY ROBERTS,
*Chairman, Committee on Veterans Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: In response to your request of February 15, there is attached a partial listing of the home states of veterans interred in Corozal and

Mt. Hope cemeteries in the Canal Zone. Additional research of records is being conducted to complete the listing, and I hope to be able to forward that information to you early next week.

Sincerely yours,

H. R. PARFITT,
President.

Enclosure.

VETERANS INTERRED AT MOUNT HOPE AND COROZAL CEMETERIES BY HOME STATE

State	Corozal	Mount Hope	Total
Alabama.....	3	1	4
Arizona.....	1	—	1
Arkansas.....	3	—	3
California.....	17	2	19
Colorado.....	4	—	4
Connecticut.....	9	2	11
Delaware.....	—	—	—
District of Columbia.....	—	—	—
Florida.....	8	1	9
Georgia.....	12	2	14
Idaho.....	1	—	1
Illinois.....	24	1	25
Indiana.....	11	4	15
Iowa.....	5	1	6
Kansas.....	3	—	3
Kentucky.....	10	1	11
Louisiana.....	4	2	6
Maine.....	5	1	6
Maryland.....	7	—	7
Massachusetts.....	24	5	29
Michigan.....	9	1	10
Minnesota.....	6	1	7
Mississippi.....	2	—	2
Missouri.....	13	2	15
Montana.....	—	—	—
Nebraska.....	2	—	2
Nevada.....	—	—	—
New Hampshire.....	—	—	—
New Jersey.....	19	—	19
New Mexico.....	1	—	1
New York.....	58	14	72
North Carolina.....	10	—	10
North Dakota.....	2	—	2
Ohio.....	14	2	16
Oklahoma.....	7	1	8
Oregon.....	1	2	3
Pennsylvania.....	46	7	53
Rhode Island.....	15	—	15
South Carolina.....	7	1	8
South Dakota.....	2	—	2
Tennessee.....	12	1	13
Texas.....	14	2	16
Utah.....	—	—	—
Vermont.....	1	—	1
Virginia.....	13	4	17
Washington.....	1	—	1
West Virginia.....	9	—	9
Wisconsin.....	7	1	8
Wyoming.....	—	—	—
Alaska.....	—	—	—
Hawaii.....	—	—	—
Canal Zone.....	28	6	34
Philippines.....	14	7	21
Puerto Rico.....	36	2	38
Scotland.....	1	—	1
Canada.....	1	—	1
Korea.....	1	—	1
Russia.....	1	—	1
Virgin Islands.....	1	—	1
Ireland.....	1	—	1
Cuba.....	1	—	1
Panama.....	10	—	10
West Indies.....	1	—	1
Subtotal.....	518	77	595
Information not immediately available ¹	216	98	314
Total.....	734	175	909

¹ Being compiled to extent possible from hospital records and will be furnished as soon as possible.

PANAMA CANAL COMPANY,
Washington, D.C., February 28, 1978.

HON. RAY ROBERTS,
Chairman, Committee on Veterans Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: On February 24, Governor Parfitt advised you that additional research into our records was being conducted to compile a complete listing of the home states of veterans interred in Corozal and Mt. Hope Cemeteries in the Canal Zone. That research has now been completed and I am forwarding herewith a complete list of the home state or country of such veterans.

This list supersedes the partial listing furnished with the Governor's letter of February 24.

Sincerely yours,

THOMAS M. CONSTANT,
Secretary.

Enclosure.

VETERANS INTERRED AT MOUNT HOPE AND COROZAL CEMETERIES, CANAL ZONE, BY HOME STATE, COUNTRY, OR AREA

State, etc.	Corozal	Mount Hope	Total
Alabama	3	3	6
Alaska			
Arizona	1		1
Arkansas	3		3
California	19	2	21
Colorado	5	1	6
Connecticut	11	3	14
Delaware			
Florida	9	2	11
Georgia	14	2	16
Idaho	1		1
Illinois	32	2	34
Indiana	16	7	23
Iowa	7	2	9
Hawaii			
Kansas	6	3	9
Kentucky	10	2	12
Louisiana	5	2	7
Maine	7	2	9
Maryland	9	1	10
Massachusetts	27	5	32
Michigan	10	1	11
Minnesota	7	1	8
Mississippi	2		2
Missouri	18	3	21
Montana			
Nebraska	3	1	4
Nevada			
New Hampshire			
New Jersey	23	5	28
New Mexico	1		1
New York	70	21	91
North Carolina	19	1	20
North Dakota	2		2
Ohio	19	3	22
Oklahoma	8	2	10
Oregon	1	2	3
Pennsylvania	59	9	68
Rhode Island	16		16
South Carolina	8	1	9
South Dakota	2		2
Tennessee	14	1	15
Texas	19	2	21
Utah			
Vermont	1		1
Virginia	13	4	17
Washington	2	1	3
West Virginia	10	1	11
Wisconsin	8	2	10
Wyoming			
Subtotal	520	100	620

VETERANS INTERRED AT MOUNT HOPE AND COROZAL CEMETERIES, CANAL ZONE, BY HOME STATE, COUNTRY, OR AREA—Continued

State, etc.	Corozal	Mount Hope	Total
Canal Zone.....	39	6	45
Philippines.....	20	10	30
Puerto Rico.....	43	2	45
Scotland.....	3	—	3
Canada.....	3	—	3
Korea.....	1	—	1
Russia.....	1	—	1
Virgin Islands.....	3	—	3
Ireland.....	2	—	2
Cuba.....	2	—	2
Panama.....	15	6	21
West Indies.....	7	4	11
England.....	3	—	3
New Zealand.....	1	—	1
Australia.....	1	—	1
Costa Rica.....	1	—	1
Italy.....	2	2	4
Spain.....	2	—	2
Sweden.....	1	—	1
Germany.....	1	2	3
Denmark.....	1	—	1
Norway.....	1	—	1
Holland.....	1	—	1
Peru.....	1	—	1
Poland.....	1	—	1
Nicaragua.....	—	2	2
Subtotal.....	156	34	190
Not identifiable.....	58	41	99
Total.....	734	175	909

Mr. CARNEY. In the draft of the Panama Canal Zone Treaty, according to the State Department, the Corozal Cemetery would remain under U.S. control until the Canal is completely returned to the control of the Government of Panama. Mount Hope Cemetery would pass immediately to Panamanian control after the treaty is ratified. It is my understanding that there is no provision in the treaty for maintenance of Mount Hope.

The State Department and the Department of the Army have informed our committee that three alternatives are being considered: One, negotiate an agreement with Panama to preserve and maintain these cemeteries; two, authorize the American Battle Monuments Commission to assume responsibility for maintaining the graves; and three, to seek enactment of legislation that would provide for the disinterment and reinterment of veterans' remains in a national cemetery in the United States at Government expense.

I believe we must look to these or some other alternatives to make sure the grave sites of American veterans buried in the Panama Canal Zone will continue to receive the same fine care and respect they have been accorded in the past. I trust that the testimony from these witnesses this morning will make clear the administration's position in this matter.

The chairman of the full Committee on Veterans' Affairs, the Honorable Ray Roberts, is deeply concerned about this matter and regrets that prior commitments in his district in Texas prevent his attending this hearing today. He has prepared a statement setting out some of his thoughts about these Panama Canal Zone grave sites and, without objection, I would like to enter it into the record at this point.

[The statement follows:]

STATEMENT OF HON. RAY ROBERTS, SUBCOMMITTEE ON CEMETERIES
AND BURIAL BENEFITS

Our colleagues in the Senate are debating the merits of the proposed treaty and, of course, its ratification is their responsibility. Along with their deliberations, international law scholars, military men, journalists, columnists and the general public are having their say.

All that is as it should be. The time for discussion is before ratification, not after the documents are signed. Now is the time for questions to be raised and resolved, not after the ink is dry on the signatures.

These hearings are necessary so those of us who are concerned about the future of these grave sites in the Panama Canal Zone can seek answers to some of the questions that disturb us.

Quite apart from questions about whose land this is, was, or will be, the plot where an American veteran lies is forever America. These graves must not be allowed to deteriorate. There must be some assurance they will never be desecrated or vandalized.

I take this to be a proposition that no one will dispute. It has been said before that the quality of a civilization is revealed in the way it reveres its dead. However the many questions surrounding the Panama Canal Treaty are resolved, we must do what is necessary to preserve these veterans' grave sites as a perpetual memorial if they are to remain where they are.

Unless there is an agreement written into the treaty to accomplish this goal, it would appear that some legislation will be necessary to permit the removal of the remains of these veterans to national cemeteries by relatives or interested organizations.

I look forward to the testimony of the Administration witnesses so we can form a judgment about our responsibilities in this matter.

Mr. CARNEY. Chairman Roberts very strongly points out that we have to take care of the veterans' graves.

We have a number of witnesses, and this is a very busy day. I should have been somewhere else myself right now—at another important subcommittee meeting. I am going to ask the gentlemen who testify to paraphrase their statements. The statements will be entered into the record completely; however, I would like you to summarize your statements, and then I imagine some other members will be here. We may have some questions for you from the counsel.

I would like to enter into the record, without objection, a Library of Congress congressional survey done for this committee. They say the Panama Canal Zone cemeteries, the Atlantic side, Mount Hope Cemetery has 56 acres and the Pacific side has 63 acres. Without objection, I would like to enter this into the record.

[The material follows:]

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

To: Hon. Charles Carney.
Re: Panama Canal Zone Cemeteries.
Attn: Anthony.

In response to your request for information on the two cemeteries which are located in the Canal Zone, the following information was obtained after calling the Panama Canal Company:

PANAMA CANAL ZONE CEMETERIES

Atlantic Side—Mount Hope Cemetery:

56 acres.
38,210 total graves.
1,332 U.S. citizens.
175 U.S. veterans.

Mount Hope is presently reaching its capacity, it will be turned over to the government of Panama if the (proposed) treaty is ratified.

Pacific Side—Corozal Cemetery.

63 acres.
15,169 total graves.
2,661 U.S. citizens.
741 U.S. veterans.

Corozal will be turned over to the Department of Defense, if the (proposed) treaties are ratified.

LINWOOD B. CARTER.

Mr. CARNEY. I would like the gentlemen first to identify themselves by name and title, starting with this gentleman on the right.

General ADAMS. I am General A. J. Adams, Secretary of the American Battle Monuments Commission.

Mr. BLUMENFELD. Michael Blumenfeld, Deputy Under Secretary of the Army.

Mr. CONSTANT. I am Thomas Constant from the Panama Canal Company.

Mr. WYROUGH. Richard Wyrrough of the Department of State.

Mr. SCHWAB. Donald Schwab of the Veterans of Foreign Wars of the United States.

Mr. CARNEY. We thank you gentlemen for coming on such short notice. We are very sorry that we do not have more of the subcommittee here.

Mr. Blumenfeld, will you summarize your statement now, please? Your printed statement will be included in the record at this point. [Statement follows:]

STATEMENT OF MICHAEL BLUMENFELD, DEPUTY UNDER SECRETARY OF THE ARMY

Mr. Chairman and Members of the Subcommittee on Cemeteries and Burial Benefits:

I appreciate the opportunity to appear before you this morning in order to review the Administration's plans to assure that the remains of Americans buried in the Canal Zone will continue to receive the same care and respect under a new treaty as presently prevails.

Appearing with Mr. Wyrrough; General Adams, of the American Battle Monuments Commission; and myself this morning is Mr. Thomas M. Constant, Secretary of the Panama Canal Company.

Mr. Chairman, our plan of presentation is as follows: I would like first to review the situation which currently exists in the Canal Zone regarding the cemeteries. After that brief presentation, my Department of State colleague, Mr. Wyrrough, will apprise you of the options which have been considered by the Administration in order to assure the proper care of American remains in the Canal Zone. Finally, General Adams will present the Administration's preferred alternative for protecting these American remains. After these three presentations, we will answer any questions which the Committee may have.

At this time, I would like to provide some essential background information regarding United States cemetery operations in the Canal Zone today. As you may already know, there are only two cemeteries located within the Zone. The Mount Hope Cemetery, some 63 acres in size, is located on the Atlantic side of the Isthmus just outside the Panamanian City of Colon. The Corozal Cemetery, some 56 acres in area—almost the same size as Mount Hope, is located on the Pacific side of the Isthmus.

The Panama Canal Treaty of 1977 calls for Mount Hope Cemetery (Atlantic side) to be relinquished to the Republic of Panama on the effective date of the

treaty, that is six months after the exchange of instruments of ratification. The Corozal Cemetery, on the other hand, will be transferred to the control of the United States military on the effective date of the treaty. At the beginning of the year 2000, when the Panama Canal Treaty terminates, Corozal Cemetery will also pass to the Republic of Panama.

The Canal Enterprise now has full responsibility for the operation and care of these cemeteries. Some 15 full-time employees maintain Mount Hope, while a force of 11 employees care for the Corozal Cemetery.

Let me review briefly the scope of operations of the two cemeteries. First Mount Hope: Mount Hope is the primary cemetery on the Atlantic side of the Isthmus and thus it serves not only the needs of the Canal Zone, but also those of the Republic of Panama. Since Mount Hope is the only cemetery available to the City of Colon, the number of non-United States citizens interred there has grown substantially over the past years. Today some 37,000 non-United States citizens are buried in Mount Hope. This is compared to a total of 1,508 United States citizens of whom 175 are veterans.

Mr. Chairman, as you can see, some 95 percent of the Mount Hope Cemetery is devoted to non-United States citizens and of the United States citizens buried there, about 175, or 12 percent, are veterans. I would point out also that the cemetery conducts from 35 to 40 Panamanian burials a month. So the population is continuing to grow.

The situation at Corozal Cemetery is substantially different. Since the Republic of Panama has four cemeteries on the Pacific side of the Isthmus (one private and three municipal), the demand on Corozal, in the Canal Zone, is not as great as that which exists at Mount Hope. In fact, we have limited Corozal interment to United States and non-United States citizen Canal Enterprise employees and retirees, United States Military personnel and retirees and United States veterans.

The total population of Corozal Cemetery is approximated at 16,000, less than half the population of Mount Hope. Of this number, 3,395 (21 percent) are United States citizens (some 734 of these are veterans). The Corozal Cemetery conducts approximately 20 funerals per month of which less than 10 percent are for United States citizens.

In summary, we have approximately 4,900 United States citizens interred in the Canal Zone (one third of these are at Mount Hope on the Atlantic side and two-thirds are at Corozal on the Pacific side). There are 909 veterans buried in the Zone, 20 percent of these are at Mount Hope. For your further information and the record, I have attached to my statement a statistical data sheet on the Canal Zone cemeteries.

Mr. Chairman, at this time Mr. Wyrough of the Department of State will review for the Subcommittee options which have been considered by the Administration in order to assure that proper care and respect for United States citizens buried in the Canal Zone is continued under the new treaty.

Statistical data on Canal Zone cemeteries

Size of Cemeteries (acres):	
Mount Hope-----	63.3
Corozal-----	56.0
Interments (as of 31 December 1977):	
Mount Hope:	
Total U.S. citizens-----	1,508
U.S. veterans-----	175
Other U.S. citizens-----	1,333
Non-U.S. citizens-----	36,944
Total-----	38,452
Corozal:	
Total U.S. citizens-----	3,395
U.S. veterans-----	734
Other U.S. citizens-----	2,661
Non-U.S. citizens-----	12,537
Total-----	15,932

Statistical data on Canal Zone cemeteries—Continued

Budget (fiscal year 1979):

Mount Hope-----	\$142, 000
Corozal-----	\$144, 000

Total-----	\$286, 000
------------	------------

Employees:

Mount Hope-----	15
Corozal-----	11

Mr. BLUMENFELD. Yes, sir. Let me say, in preface, that the numbers you cited on the veterans' graves are correct and are in accord with the latest data which we have. There will be some minor difference, which I would like to enter into the record, in the total population, not the veteran population of the cemeteries. This is based on a later count than I believe you had before you.

**STATEMENT OF MICHAEL BLUMENFELD, DEPUTY UNDER
SECRETARY OF THE ARMY**

Mr. BLUMENFELD. The canal enterprise now has full responsibility for the operation and care of both Mount Hope and Corozal. Fifteen employees maintain Mount Hope and about 11 employees maintain Corozal.

The cemeteries are really quite different in the scope of their operations, and I would like to talk about that for just a minute. Mount Hope is the primary cemetery on the Atlantic side of the isthmus, and it serves not only the needs of the Canal Zone, but also those of the Republic of Panama. Since Mount Hope is the only cemetery available to the city of Colon on the Atlantic side, the number of non-U.S. citizens interred there is large and has been growing. About 37,000 non-U.S. citizens are buried in Mount Hope, and this compares to an exact total of 1,508 U.S. citizens, of whom 175, as you identified, are veterans. So 95 percent of Mount Hope is devoted to non-U.S. citizens. Of those U.S. citizens who are buried there, about 12 percent are veterans. Right now, the activity at Mount Hope is such that there are 35 to 40 burials per month of Panamanian nationals. Last year, there were only nine burials of U.S. citizens in Mount Hope.

Corozal, as I mentioned, is very different. The Republic of Panama has four cemeteries on the Pacific side, and so Corozal cemetery does not serve the same kind of need on the Pacific side as Mount Hope does on the Atlantic side. In fact, interment at Corozal has been limited for some time to U.S. and non-U.S. citizen employees of the canal enterprise as well as retirees, U.S. military personnel, and veterans. The total population of Corozal is about 16,000. It is less than half as big as Mount Hope. About 21 percent of those interred there are U.S. citizens and about 22 percent of those U.S. citizens are veterans.

Corozal has much less activity at this time than Mount Hope, conducting about 20 funerals per month, of which about 2 are Americans.

Just to summarize quickly, there are about 4,900 U.S. citizens interred in the Canal Zone, a third of them on the Atlantic side in Mount Hope, two-thirds at Corozal on the Pacific side. And 909 veterans are buried in the zone, of which about one-fifth are at Mount Hope. Attached to the statement which will go in the record is a

further statistical data sheet on the operation of both cemeteries.

At this time, my colleague, Mr. Wyrrough of the Department of State, will review in greater detail the options which you have identified as being considered by the administration in order to assure that proper care and respect will be given to these gravesites under the new treaty.

Mr. CARNEY. Your entire printed statement will be included in the record at this point, Mr. Wyrrough.

[Statement follows:]

STATEMENT OF RICHARD WYROUGH, DEPUTY DIRECTOR AND SENIOR ADVISER
FOR TREATY AFFAIRS, OFFICE OF PANAMANIAN AFFAIRS

Mr. Chairman and members of the subcommittee, I am very pleased on behalf of the Department of State to be able to discuss with you the Administration's plans concerning the proper care under the new treaties of Americans buried in what is now the Canal Zone. I was a member of the United States delegation that negotiated the treaties, and I must say that it is a matter which was not specifically addressed during the negotiations. We first examined the question sometime after the treaties were signed in September 1977 as we began to turn our attention to the details of planning their eventual implementation.

The Administration has explored in a preliminary way several possible solutions to the problem. We have not yet, however, approached the Panamanians with our ideas, although they are aware of the matter.

As Assistant Secretary Blumenfeld mentioned, our immediate concern has been with Mt. Hope Cemetery, since it will be one of the properties turned over to Panama when the treaties are implemented. One option we have considered, inasmuch as Mt. Hope is actively being used by Panama today and would presumably continue to be so when it reverts to actual Panamanian control, is to negotiate an agreement for the maintenance of the American sector of the cemetery. Possible problems in connection with this option include funding, assuring proper American oversight responsibilities of the maintenance work, and assuring general access to American gravesites for relatives and friends of those who are interred in the cemetery.

A second option is to offer a proposal to the next of kin of the deceased Americans buried at Mt. Hope whereby the United States Government at its expense would disinter the remains, transport them to the United States and reinter them at a site chosen by the relatives. All other costs associated with the move, such as purchase of the burial plot, headstone, etc., would be borne by the next of kin. Apart from the question of where to find the funding for our Government's portion of this proposal, there are other problems, such as the difficulty in locating the next of kin, what to do with the remains of those not claimed by next of kin, making arrangements for next of kin who claim the remains, but cannot afford the costs involved, etc.

As you can see, the problem is a thorny one, and the possible solutions I have discussed are not without their drawbacks. However, as Assistant Secretary Blumenfeld mentioned, we do have a proposal to put before you which we think presents a feasible approach to the matter. In closing, I should like to mention that the matter is not, as I mentioned earlier, something that we have discussed in detail with the Panamanians. While we do not anticipate any particular difficulties, we cannot be certain at this point as to their reaction.

If I may, then, yield to General Adams who will offer the details of the American Battle Monuments Commission's proposal.

STATEMENT OF RICHARD WYROUGH, DEPUTY DIRECTOR AND
SENIOR ADVISER FOR TREATY AFFAIRS, OFFICE OF PANAMA-
NIAN AFFAIRS, DEPARTMENT OF STATE

Mr. WYROUGH. My statement is concerned primarily—

Mr. CARNEY. Could you give your name and title for the record, sir?

Mr. WYROUGH. All right, sir. I am Richard Wyrough from Department of State. During the negotiations, I served as a member of the delegation that negotiated the treaties, serving primarily in the capacity of staff coordinator for the delegation and as senior adviser to Ambassador Bunker, one of the negotiators.

The gist of my statement focuses on alternatives for handling Mount Hope, inasmuch as you pointed out, Mr. Chairman, the Corozal Cemetery will remain under U.S. control for the duration of the Treaty. The two alternatives that I examine in my statement are, first, to negotiate an agreement for the maintenance of the American sector of the cemetery with Panama and, second, to offer a proposal to the next of kin of deceased Americans buried there whereby the United States would disinter the remains and transport them to the United States and reinter them at a site chosen by the relatives of the deceased.

There are a number of problems associated with each of these two alternatives which I discuss in my statement.

First, there is obviously the problem of funding. There is also the problem of assuring proper American oversight responsibilities of the maintenance work, and of assuring general access to American gravesites for relatives and friends. As for the second alternative which would involve disinterring, transporting to the United States, and reintering, the problems again are ones of cost, the purchasing of the burial plot, headstone, and that sort of thing. Apart from the question of where we would find the funding for the Government's part of this proposal, there are other problems, such as the difficulty in contacting the next of kin. These matters are outlined in my statement.

There is obviously a third, preferred, proposal which General Adams will discuss. I do indicate in my statement that we have not yet discussed this proposal or these proposals with the Panamanians. We think, however, in the context of the situation in which both countries have ratified the treaties that there would be no insurmountable obstacles in reaching a satisfactory agreement.

I can now at this point, I think, yield to General Adams.

Mr. CARNEY. At this point in the record, your written statement will be included General Adams.

[Statement follows:]

STATEMENT OF MAJ. GEN. A. J. ADAMS, SECRETARY, AMERICAN BATTLE
MONUMENTS COMMISSION

Mr. Chairman and members of the subcommittee, we appreciate your invitation to appear and testify before your subcommittee concerning the disposition of the two American cemeteries in the Canal Zone. We will recommend to you what we believe to be adequate steps to ensure that the remains of Americans buried in the Canal Zone are not desecrated and will continue to receive the proper care and respect.

As you know, the two principal functions of the American Battle Monuments Commission are to: Commemorate the sacrifices and achievements of American Armed Forces where they have served since 1917; and design, construct, operate, and maintain permanent American military burial grounds in foreign countries.

An exception to this policy was made in 1947 when President Truman by Executive Order 9873 transferred the responsibility for the administration of the Mexico City National Cemetery from the War Department to our Commission. This Cemetery contains the remains of 750 war dead from the Mexican War, 775 civilians and 43 veterans.

Upon receipt of your invitation, I asked Colonel Badger, our engineer, to go to the Canal Zone to obtain all the information available pertaining to the cemeteries, that we could use in arriving at logical and practical recommendations for your committee.

Prior to his departure, we received a telephone call from Mr. Frederick Bass of Rockville, Maryland, expressing deep concern for his parents' graves at Mt. Hope Cemetery and for his grandfather's grave at Corozal Cemetery. He was under the impression that when he paid for his parents' burial, their graves would be maintained in perpetuity. We explained to Mr. Bass that the Federal Government is aware of the problem and is seeking to solve it.

As explained by Mr. Blumenfeld, Mt. Hope Cemetery is located on the Atlantic side of the Zone in the suburbs of Colon. It is bordered on the south by a tank farm, on the east by the town of Margarita and on the west by an industrial area. The Cemetery's 63 acres are located on rolling hills and have a meandering road that gives general access to the area. It was established in the 1850's. When the United States assumed responsibility for the Cemetery in 1904, it was divided into sectors by nationality. This practice has been continued. The American sector covers approximately 4 acres and is located on the north slope of a steep hill to the rear of the Cemetery. Of the 175 veterans buried there, 100 are war dead. The condition of the grass and headstones is poor. The steep grade makes maintenance of the grass difficult. The lowest section of the sector floods during heavy rains. Access to the sector is restricted. The American Battle Monuments Commission does not consider the site of the American sector as adequate for development as a permanent cemetery.

The Corozal Cemetery covers an area of 56 acres and is bounded by Gaillard Highway, Rybicki Road and Fort Clayton Military Reservation. It is located on the Pacific side of the Zone a few miles west of Panama City. Like the Mt. Hope Cemetery, Corozal is divided into sectors by nationality. The American sector is near the entrance gate and includes public toilets, a church, a pavilion with two flag poles and a utility building. Of the 734 veterans over 250 are war dead. In the American sector the ground is gently rolling and has three hills.

To insure continued care for the Americans buried at these cemeteries the following plan is suggested:

1. Upon ratification of the treaties and prior to their coming into force, the Canal Zone Government should disinter the 1503 Americans in the Mt. Hope Cemetery and reinter them in the Corozal Cemetery. There is adequate space in the American sector to bury all 1503 Americans.

2. As soon as possible the Canal Zone Government should discontinue burials of foreign nationals at the Corozal Cemetery. This is required because of limited space in the other sectors of the Cemetery.

3. Based upon available grave space remaining in the American sector, the Canal Zone Government, in coordination with the Department of Defense, should establish and announce a date for the discontinuance of burials in the American Sector of the Corozal Cemetery. Section 5742 Title 5 U.S. Code provides for government transportation to the United States of Americans that die in the Canal Zone.

4. Following World War I, the United States decided that rather than owning the land on which its permanent military cemeteries on foreign soil would rest, it would be preferable for the host country to own the land and grant us, by agreement, free use of the land in perpetuity without charge or taxation. An agreement of this nature should be made with Panama in order that the American sector of the Corozal Cemetery will continue to be maintained properly after the year 2000.

5. With such an agreement, the American Battle Monuments Commission could take over the responsibility for the maintenance and care of the cemetery from the Department of Defense at any time it is directed to do so by the President.

This plan has been presented to the appropriate representatives of the Canal Zone Government, the 193d Infantry Brigade (Planning agent of the Department of Defense for operation of the Corozal Cemetery), and the Consular staff of the American Embassy, Panama City. At all presentations it was agreed that this plan was the most viable of solutions considered thus far. Are there any questions?

STATEMENT OF MAJ. GEN. A. J. ADAMS, SECRETARY, AMERICAN BATTLE MONUMENTS COMMISSION

Mr. CARNEY. State your name and title, please, sir.

General ADAMS. I am General Adams, Secretary of the American Battle Monuments Commission.

As you know, Mr. Chairman, the American Battle Monuments Commission has two primary functions: one, to commemorate the sacrifices and achievements of the Armed Forces where they have served since 1917; and two, to design, construct, operate and maintain permanent American military burial grounds for war dead in foreign countries.

An exception to this policy was made at Mexico City when in 1947 President Truman transferred the responsibility of that cemetery to the American Battle Monuments Commission. In the Mexico City Cemetery, there are 750 U.S. dead of the Mexican War and 818 American civilians. Of these 818 civilians, 43 are veterans.

So there is a precedent for the American Battle Monuments Commission to operate a cemetery in a foreign country that contains other than War Dead.

When we received your invitation to testify, I asked Colonel Badger, our engineer, to go to the Panama Canal Zone and get all the information he could so that we could make reasonable recommendations. I will not discuss my statement in its entirety because portions of it were covered by others.

Our recommendations to insure continued adequate care of the Americans buried in these cemeteries are as follows: first, on ratification of the treaties and prior to their coming into force, the Canal Zone Government should disinter the 1,508 Americans in the Mount Hope Cemetery and reinter them in the American sector of the Corozal Cemetery. There is adequate space in the American sector to do this.

Second, as soon as possible, the Canal Zone Government should discontinue burial of foreign nationals in the Corozal Cemetery. This is necessary because the remaining space in the other sectors of the Corozal Cemetery is becoming exhausted.

Third, based upon available grave space remaining in the American sector, the Canal Zone Government, in coordination with the Department of Defense, should establish and announce a date for the discontinuance of American burials in this cemetery. Section 5742, title 5 of the United States Code provides for Government transportation to the United States of Americans who die in the Canal Zone. So it should not cause a financial hardship.

Fourth, following World War I, the United States decided that rather than owning the land on which permanent military cemeteries on foreign soil would rest, it would be preferable for the host country to own the land and grant us, by agreement, free use of the land in perpetuity, and without taxation or charges of any kind. An agreement of this nature should be made with Panama to insure adequate care of the American sector of the Corozal Cemetery will continue after the year 2000.

Finally, with such an agreement, the American Battle Monuments Commission could assume responsibility for the maintenance and care of the American sector at any time if directed to do so by the President.

This plan has been presented to the representatives of the Canal Zone Government, to the organization that is responsible for planning the future operations of the Corozal Cemetery and to the consular staff of the American Embassy in Panama City. All have agreed that this is a viable plan.

Are there any questions?

Mr. CARNEY. Mr. Stover, the committee counsel, has a few questions.

Mr. STOVER. Yes; General Adams, how long do you think it would take to—maybe I should ask the other gentleman, from the State Department. How long do you think it would take to execute and complete an agreement on these gravesites between the Panamanian Government and the United States Government if the Treaty is ratified?

General ADAMS. Sir, I have no idea. I will ask the State Department representative to answer that.

Mr. STOVER. Mr. Wyrrough, in other words, as I understand it, there would have to be two agreements here—one in respect to transferring the bodies from one cemetery to the other and then another one for maintenance in perpetuity of the American graves after the year 2000. Is that essentially correct, sir?

Mr. WYROUGH. Yes. As to the length of time that it would take, I am not really sure. There are several problems associated with implementation of the Canal Treaty of which we are aware that have nothing at all to do with the cemetery issue. We do not see great difficulties in any of the implementation problems, but we have not really explored them in any detail with the Panamanians during this time when the Senate is engaged in debates and when there is such attention being given to the issue of the treaties.

I would think once the ratification process is complete that we can move forward with some speed in resolving the problems. I would certainly expect that we could conclude any consultations with respect to the movement of the remains from Mount Hope prior to implementation of the treaties or in time for that to be accomplished.

Mr. STOVER. General Adams, have any cost estimates been made with respect to your proposal to transfer?

General ADAMS. Yes. It is somewhere in the neighborhood of \$300,000 to \$350,000. That is for the initial transfer not the maintenance.

Mr. STOVER. And another point here is, of course, the mission of your Commission, as you have indicated in your statement, is to commemorate the sacrifices and achievements of members of the American Armed Forces where they have served since 1917. However, you also point out that there is one exception, which is in Mexico City, where there is a mix of American veterans and nonveterans. A precedent, then, has been established in this regard and this proposal in Panama would be similar, as far as your responsibility would be?

General ADAMS. That is correct, sir.

Mr. STOVER. I can report, Mr. Chairman, that Mr. Roberts, you will recall, visited a number of these cemeteries in Europe a little over a year ago and had nothing but high praise for the way in which they are cared for. In fact, Mr. Roberts said that all of the American overseas cemeteries that he visited were outstanding—cemeteries that all Americans could be proud of, especially those who have relatives or who are relatives and descendants of those who are buried therein. I would just mention that for the record.

Thank you very much, Mr. Chairman.

Mr. CARNEY. Does the minority counsel have any questions?

[No response.]

Mr. SCHWAB. Mr. Chairman, my name is Donald H. Schwab and I am the legislative director for the Veterans of Foreign Wars. In accordance with your request, I will brief my statement.

Mr. CARNEY. Your entire written statement will be included in the record at this point, Mr. Schwab.

[Statement follows:]

STATEMENT OF DONALD H. SCHWAB, DIRECTOR, NATIONAL LEGISLATIVE SERVICE,
VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the subcommittee, thank you for the privilege of appearing before this distinguished Subcommittee to present the views of the Veterans of Foreign Wars of the United States with respect to American veterans interred in the Panama Canal Zone should the Panama Canal Treaties be ratified.

My name is Donald H. Schwab, and my title is Director, National Legislative Service, Veterans of Foreign Wars of the United States.

Mr. Chairman, permit me to compliment you for timely holding these oversight hearings on a matter of great concern to the Veterans of Foreign Wars of the United States.

As you are aware, there are some 1,332 Americans, of whom 175 are veterans, interred in the Mount Hope Cemetery on the Atlantic side of the canal, and 741 veterans interred in the Corozal Cemetery on the Pacific side of the canal. The Mount Hope Cemetery would pass immediately to Panamanian control if the treaties are ratified, and the Corozal Cemetery would remain under U.S. control until the canal is completely turned over to the government of Panama in the year 2000.

Recommendations have been made that an agreement be negotiated, wherein the government of Panama would continue to maintain these cemeteries, that the American Battle Monuments Commission assume responsibility of maintaining the graves of Americans interred therein, or that legislation be enacted to provide for the disinterment and reinterment of our veterans in national cemeteries within the United States at government expense.

Mr. Chairman, we of the Veterans of Foreign Wars believe, as I am sure all Americans believe, that the sanctity of the grave should be disturbed only under the most compelling circumstances. However, it is inconceivable that we should entrust the proper maintenance and care of the graves of our honored dead to the government of Panama. In view thereof, our recommendation is that all the Americans, veterans or not, interred in the Mount Hope Cemetery, be disinterred and reinterred in the Corozal Cemetery. In addition, that provision be made in the treaties, or by supplemental amendment after the treaties become effective, for the American Battle Monuments Commission to have jurisdiction over the American Sector of the Corozal Cemetery in perpetuity without payment or taxation and that the right be granted by the Panamanian government to fly the Flag of the United States of America over the American Sector of the Corozal Cemetery. Further, that, if so requested by the next of kin, the remains of veterans in either of the cemeteries be disinterred and reinterred in a national cemetery within the United States at government expense.

Again, Mr. Chairman, we of the Veterans of Foreign Wars of the United States commend you for the timely and positive action you are taking with respect to an issue evoking deep emotion on the part of all concerned.

Thank you.

STATEMENT OF DONALD H. SCHWAB, LEGISLATIVE DIRECTOR,
VETERANS OF FOREIGN WARS

Mr. SCHWAB. Our recommendation is that all Americans, veterans or not, interred in the Mount Hope Cemetery be disinterred and reinterred in the Corozal Cemetery. In addition, that provisions be made in the treaties or by supplemental amendment after the treaties become effective, for the American Battle Monuments Commission to

have jurisdiction over the American sector of the Corozal Cemetery in perpetuity, without payment or taxation, and the right be granted by the Panamanian Government to fly the flag of the United States of America over the American sector of the Corozal Cemetery.

Further, that if so requested by the next of kin, the remains of veterans in either of the cemeteries be disinterred and reinterred in a national cemetery within the United States at Government expense.

Thank you, sir.

Mr. CARNEY. Do you have any more questions?

Mr. STOVER. No more questions, Mr Chairman.

Mr. CARNEY. You said something about 9 bodies were buried last year. In which cemetery?

Mr. BLUMENFELD. Nine Americans, sir, in Mount Hope, and 16 American burials in Corozal last year.

Mr. CARNEY. How many Americans are buried in Mount Hope now?—that have been moved?

Mr. BLUMENFELD. 1,508 Americans are now buried in Mount Hope of whom 175 are veterans.

Mr. CARNEY. Could arrangements be made for perpetual care of these bodies in Mount Hope Cemetery? Would it be difficult to leave the bodies where they are and perpetual care be guaranteed for those bodies by the Battle Monuments Commission or somebody else without disinterring the bodies?

Mr. BLUMENFELD. I believe, as Mr. Wyrough mentioned, that is a possible option, but one that is fraught with difficulties. I think one point which might be mentioned is that the American section at Corozal, which would be used under the plan we described this morning, is in physically better condition than the American sector at Mount Hope in terms of its grade, the grass, et cetera.

Mr. CARNEY. I personally do not like the idea of disinterring people and moving them around unless there is some sound reason to do it. Could it not, with the guarantee of perpetual care, that grass and those things be brought up in the negotiations that they are not maintained and they should be maintained?

Mr. BLUMENFELD. I would defer to those with more experience in cemetery maintenance. General Adams might want to comment.

General ADAMS. No, sir. I think I will ask Colonel Badger to answer that because he has just visited the Cemetery.

Colonel BADGER. Sir, the American sector of the Mount Hope Cemetery is located on the north slope of a hill to the rear of the Cemetery and access to it is very difficult. The road is winding, the low grounds become flooded during heavy rains and the terrain is steep. So it is very difficult to maintain the grass.

For these reasons, it is recommended that Mount Hope not become a permanent cemetery.

Mr. CARNEY. Well, the Americans evidently thought it was a suitable place to bury them. Why did we bury them there in the first place if it was not suitable?

Mr. CONSTANT. May I answer that, sir? They are buried there generally at the wishes of the next of kin if they have lived and worked on the Atlantic side for many, many years and some of the U.S. employees have requested to be buried at that cemetery, even though it may not necessarily be the better of the two.

General ADAMS. Mr. Chairman, I have a couple of photographs here of the Mount Hope Cemetery. It will give you some idea of its poor condition and how difficult it would be to raise it to our standards. These were taken by Colonel Badger just the week before last.

Mr. CARNEY. Even the Mount Hope nonveterans gravesites look very good to me. The majority of cemeteries in the United States, I would say, do not look quite as good as this. The one for veterans does not look like you would have a hard time fixing up, if somebody paid attention to it. There is some rubble I see on the top, but I would not call that bad. I would insist that, if I have any say about it, that nobody is going to be disinterred without complete approval of the next of kin because I think whenever they lay me, I want to stay planted. I just do not like this idea of moving bodies around because after 10 or 15 years, you are moving nothing anyway. Nothing but some bones.

What is your name?

Mr. WYROUGH. Mr. Wyrrough.

Mr. CARNEY. You are the gentleman who had something to do with these negotiations?

Mr. WYROUGH. Yes, sir.

Mr. CARNEY. What did you do about these cemeteries in the negotiations?

Mr. WYROUGH. One of the major issues covered in the treaty negotiations had to do with the disposition of the various lands and waters in the Canal Zone. Those negotiations with respect to the cemeteries yielded the agreement that is reflected here—that Mount Hope would pass to Panama at the outset of the treaties and that Corozal would remain with the United States until the conclusion of the treaties.

Mr. CARNEY. That is 20 years.

Mr. WYROUGH. To the end of the century, yes, but beyond that, we did not reach agreement on the matter that is at issue here today.

Mr. CARNEY. I would hope that as a result of the negotiations, the United States would have control over these cemeteries, at least the care of them, from now on. Twenty years is not a very long period, and then you are going to face this problem all over again, I think the time to make that decision is before the treaties are completely agreed upon.

Mr. WYROUGH. Sir; with all respect, the whole question of perpetuity was one of the two, I would say, central issues for Panama throughout the negotiations. As we discussed Issue A, Issue B, Issue C, Panama would look at the American proposal inside out and upside down for what they called disguised perpetuity. We think, in the context of treaties that are ratified, we can get Panama's agreement to the proposal that has been presented to you this morning.

Mr. CARNEY. Mr. Barnard, do you have any questions?

Mr. BARNARD. Mr. Chairman, I apologize for being late. I am studying the testimony now and if the hearing is going to continue, I would probably have some later on.

Mr. CARNEY. Do you have any others?

[No response.]

Mr. CARNEY. I would suggest, Mr. Wyrough, that some of these matters ought to be resolved. I think one issue is the Canal itself—who runs that, but these graves are there and I think we have a right, on the basis of common decency, to insist that these graves be taken care of by Americans. I am concerned that American rights be preserved by treaty and that we be in a position to take care of these graves from now on. As far as I am concerned personally—and I am only one member of this committee—I would say that the only way I would want remains to be moved out of Mount Hope would be if it was the wish of the next of kin.

As you indicated, many people ask to be buried there. If they asked to be buried there, I do not think their next of kin would be apt to want them moved. So I want to ask you to let your superiors know that this subcommittee, for what its jurisdiction is, at least at the present time, is desirous that negotiations be continued. It looks like this matter was swept under the table and nothing was done about it. So I would ask you to make a report to Chairman Roberts within the next 3 months, or as soon as possible, of what can be done about this.

Mr. WYROUGH. Yes, sir. We will certainly do that. There are, as I have said, a number of issues that we have to concern ourselves with, issues that have to do with implementation of the treaties. It is difficult to address every specific issue. I certainly would not say, however, that it is a matter of sweeping this particular issue under the table.

Mr. CARNEY. Did we hear from this gentleman from the Panama Canal Company?

Mr. CONSTANT. Sir; our testimony is included in Secretary Blumenfeld's.

Mr. CARNEY. Are you based in Panama?

Mr. CONSTANT. No, sir, I am here in Washington.

Mr. CARNEY. Does your organization have any position on this matter?

Mr. CONSTANT. It is the position of the Secretary of the Army, sir.

Mr. CARNEY. Does minority counsel have any questions at this time?

[No response.]

Mr. CARNEY. Do you have any questions, Mr. Stover?

Mr. STOVER. No.

Mr. CARNEY. Mr. Barnard.

Mr. BARNARD. Mr. Chairman, with respect to Mr. Wyrough's testimony, it appears that what you just asked him to do—has he not somewhat provided the plan in his testimony? Is that not a plan, sir?

Mr. WYROUGH. We have provided here what we think is a preferred plan and Chairman Carney has indicated that—it is my understanding that he has indicated a personal preference for one of the proposals that we looked at, but found objectionable.

Mr. BARNARD. But you have a two-pronged proposal. One is to turn Mount Hope over to the Panamanians—the Panamanian Government.

Mr. WYROUGH. Yes, sir.

Mr. BARNARD. Because of the predominance of their citizens that are buried there, is that correct?

Mr. WYROUGH. Yes; that is correct.

Mr. BARNARD. The second proposal would be to offer Americans buried there transport back to the United States for burial?

Mr. WYROUGH. No; the proposal would be to move the Americans interred in Mount Hope and reinter them in Corozal.

Mr. BARNARD. Oh, they do not have that option?

Mr. WYROUGH. That is the option that General Adams presented. What I described in my statement are the two options which we found less attractive than the proposal which General Adams described.

Mr. BARNARD. I have no further questions, Mr. Chairman, but I would like to study this matter and I very possibly might write you gentlemen a letter asking for some clarifications.

Mr. BLUMENFELD. Fine.

Mr. WYROUGH. Yes.

Mr. CARNEY. And I will also have some additional questions for you. I will write to you after we have given this due consideration.

Once again, I would urge the proper authorities to continue negotiations. I am not satisfied with proposed solution I think that when a person is buried they should not be moved for the convenience of the living, at least haphazardly. I would urge that further negotiations be carried on regarding Mount Hope because you find out in one generation that people forget. I think that the U.S. Government has a responsibility to these people who worked for the canal or who were veterans. The country has a continuing obligation to them. These people were buried, some since 1913, I imagine, when we were building the canal and it would be very hard to trace their descendants. I do not believe in willy nilly disinterring graves, so I would suggest that more thought be put into this and some negotiations be conducted. I doubt that Panama is going to worry about a little plot of land where some people are buried when they seem to want only to control the canal.

I would urge that negotiations be continued and that you come up with a new plan. If the next of kin wanted their relatives moved—and insisted—I would say all right. But I do not think that we, the Government itself, should take the initiative and start moving these people.

We will write to you and amplify this. All right?

Mr. WYROUGH. Yes.

Mr. BLUMENFELD. Thank you.

Mr. CARNEY. We may have you back again before this is finally settled.

Mr. WYROUGH. Thank you, sir.

Mr. CARNEY. Does the minority have any questions?

[No response.]

Mr. CARNEY. Do you have any questions?

Mr. STOVER. No.

Mr. CARNEY. Is there anybody in the audience that is prepared to testify today?—and has not submitted their statements in advance?

The Disabled American Veterans submitted a statement for the record. It will be included at this point in the record.

[Statement follows:]

DISABLED AMERICAN VETERANS,
NATIONAL SERVICE AND LEGISLATIVE HEADQUARTERS,
Washington, D.C., February 27, 1978.

HON. CHARLES J. CARNEY,
Chairman, Subcommittee on Cemeteries and Burial Benefits, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN CARNEY: The Disabled American Veterans greatly appreciates your invitation to participate in the Subcommittee's hearing to determine the effect of the proposed treaty on the graves of American veterans interred in the Panama Canal zone.

Unfortunately, however, we have little information regarding the disposition of the American cemeteries that is not already known to your Subcommittee. And in the interest of conserving your valuable time, I have therefore decided to advise you of our position by way of this letter.

As you know, the remains of some 916 veterans are presently interred in the two American cemeteries located within the Panama Canal zone, and there can be no question that our Government has an obligation to ensure that these graves will be properly maintained.

Yet, nowhere in the proposed treaties can we find any mention of the care that is to be taken of these United States cemeteries when the Canal zone reverts to Panamanian ownership in the year 2000.

Consequently, the DAV is deeply concerned over the fate of these important installations, and we strongly believe that the ill-conceived Panama Canal treaties should be amended to keep the Corozal and Mount Hope Cemeteries under effective United States control.

Failing that, we urge that legislation be enacted to prevent the desecration of these American graves and make certain that they will continue to receive appropriate care and proper respect by providing for their relocation in the National Cemetery System.

On behalf of the Disabled American Veterans, I therefore respectfully request the Subcommittee on Cemeteries and Burial Benefits to favorably report such legislation, and I wish to commend you for bringing to light this hitherto unmentioned defect in the Panama Canal treaties.

Sincerely yours,

WILLIAM B. GARDINER,
National Director of Legislation.

Mr. CARNEY. We declare this hearing adjourned and we will keep the record open for further testimony.

Thank you very much.

[Whereupon, at 10:35 a.m., the hearing was concluded.]

